

## **REMARKS**

Favorable reconsideration is respectfully requested in view of the foregoing amendments and the following remarks.

### **I. CLAIM STATUS & AMENDMENTS**

Claims 1-3 and 10-12 were pending in this application when last examined and stand rejected.

Claim 1 is amended to incorporate the subject matter of claims 11 and 12. Further support can be found in the disclosure, for example, at page 7, lines 21-23, and page 8, lines 26, lines 7-8. Claim 1 is also amended to more clearly specify the extracting step, removing step and concentrating step (i.e., recovery step) along the lines described in the disclosure. For instance, support for the phrase “a liquid containing a yeast extract” in the extracting step can be found in the disclosure at page 11, line 1. Support for the phrase “an extract solution containing yeast-derived extract” in the removing step can be found in the disclosure at page 12, lines 15-18. Support for the revisions in the concentrating step can be found in the disclosure for example, at page 11, lines 1-31.

Claim 10 is amended to include the full name for the abbreviated terms “DTT” and “PMSF” as these terms are well known in the industry and supported by the disclosure at page 7, lines 32-33, and page 9, lines 26-27.

Claim 10 is further amended to replace “HEPES” with “4-(2-hydroxyethyl)-1-piperazineethanesulfonic acid” as this term is also well known in the industry and implicitly supported by the disclosure, for instance, at page 10, line 14. Although the specification only refers to the abbreviated term “HEPES”, Applicants respectfully submit that the full name for this abbreviated term was well known in the art field at the time of the invention. In this regard, Therefore, HEPES is a well known zwitterionic organic chemical buffering agent that is widely used in cell culture.

No new matter has been added by the above amendments to the claims.

Claims 11-12 are cancelled without prejudice or disclaimer thereto. Applicants reserve the right to file a continuation or divisional application on any cancelled subject matter.

Claims 1-3 and 10 are pending upon entry of this amendment.

Though the case is after final rejection, Applicants respectfully submit that the above amendments should be entered and considered, because the claims were amended along the lines suggested by the Office.

The specification has been amended at page 1 to reflect the continuation data as requested. No new matter has been added.

## **II. FOREIGN PRIORITY**

In item 3 on page 2 of the Office Action, it was indicated that the present application claims priority to a document filed January 7, 2004. This is incorrect. The present application claims priority to JP 1317/2003 filed January 7, 2003.

The Office also indicated that the priority information has not been properly recited in the specification at page 1. In reply, the specification has been amended at page 1 to reflect the continuation data as requested.

Please acknowledge the foreign priority claim under 35 U.S.C. § 119(a)-(d) or (f) and receipt of the certified copy of the foreign priority document. A certified copy was submitted with the filing of the instant application as noted in the "Claim of Priority Under 35 U.S.C. § 119" document submitted January 7, 2004.

## **III. INDEFINITENESS REJECTIONS**

Claims 1-3 were again rejected and claims 10-12 were newly rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for the reasons in item 9 on pages 2 and 3 and in item 11 on pages 3 and 4 of the Action.

Applicants respectfully submit that the present amendment overcomes these rejections.

First, as noted above, amended claim 1 incorporates the subject matter of claims 11-12 (now canceled). As a result, claim 1 now more clearly defines the buffer solution by including the protease inhibitor and dithiothreitol therein as recommended by the Office. Amended claim 1 also more clearly specifies the extracting step by reciting “a liquid containing a yeast extract” as supported by the disclosure at page 11, line 1. Claim 1, as amended, also better defines the removing and concentrating step by reciting “removing residue of the yeast cells and intracellular components . . . from said liquid containing the yeast extract to obtain an extract solution containing yeast-derived extract” as supported by the description at page 12, lines 15-18. Applicants respectfully submit that the removing step and concentrating step perform recovery of the product. Accordingly, amended claim 1 includes a recovery step. Therefore, the claim now includes a recovery step for the product produced as supported by the disclosure at page 11, lines 1-31 as suggested by the Office.

Further, Applicants note that “residue of the yeast cells” in amended claim 1 corresponds to “the cell wall debris material” mentioned by the Office in the Action at page 3, line 15.

Applicants respectfully submit that such revisions address the concerns in items 9 and 11 on pages 2-4 of the Action.

Second, the Office objected to the abbreviations “DDT”, “HEPES” and “PMSF” in claim 10. In reply, the claims have been amended to include the full name of the abbreviated terms “DDT”, “PMSF” and “HEPES” based on the well known and art recognized definitions for these terms and the support in the disclosure.

Third, the Office also indicated that claim 11 does not further limit claim 10. However, kindly note that previous claim 11 depended on claim 1, not on claim 10. As such, claim 11 did not need to further limit claim 10. Nonetheless, claim 11 has been canceled without prejudice or disclaimer.

Applicants respectfully submit that the present amendment overcomes the 112, second paragraph, indefiniteness rejections for the above reasons. Therefore, the above the 112, second paragraph, indefiniteness rejections should be withdrawn.

#### **IV. ANTICIPATION REJECTION**

In item 13 on pages 4-5 of the Action, claims 1-3 were again rejected and claims 10 and 11 were newly rejected under 35 U.S.C. § 102(b) as anticipated by Schultz (Methods: A Comparison to Methods in Enzymology, Vol. 17, pp. 161-172, 1999).

Applicants respectfully traverse this rejection for the reasons noted in the last response.

Nonetheless, for the sole purpose of expediting prosecution and not to acquiesce to the rejection, independent claim 1 is amended to incorporate the subject matter of non-rejected claim 12, thereby overcoming this rejection. Applicants appreciate the Office's indication in item 15 that the subject matter of claim 12 is free of the art. Claims 10 and 11 were canceled without prejudice or disclaimer thereto. As a result, the present amendment overcomes this rejection.

Therefore, the above 102(b) anticipation rejection of claims 1-3 and 10-11 over Schultz is untenable and should be withdrawn.

#### **V. OTHER MATTERS**

Applicants note that two Examiner-initial PTO-1449 forms for Supplemental Information Disclosure Statement forms appear to have been erroneously attached to the Office Action. These documents correspond to application Serial No. 10/746,995, which is not the instant application Serial No. 10/751,962. The '995 application is an entirely different and unrelated application. Applicants do not wish for the documents cited therein to be listed on the face of a patent issuing from the instant application. Therefore, kindly remove these erroneous IDS documents from the official PTO record in the instant application and confirm the removal of such in the next Office Action.


**VI. CONCLUSION**

In view of the foregoing amendments and remarks, it is respectfully submitted that the present application is in condition for allowance and early notice to that effect is hereby requested.

If the Examiner has any comments or proposals for expediting prosecution, please contact the undersigned attorney at the telephone number below.

Respectfully submitted,

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